

GOVERNOR'S TASK FORCE ON JUVENILE CORRECTIONS REFORM
MEETING MINUTES
Tuesday, September 21, 2004
9:00 a.m. - 11:00 a.m.
Arizona State Capitol, Executive Tower
2nd Floor Conference Room
Phoenix, Arizona

MEMBERS PRESENT

Helene Abrams
Rep. Bill Brotherton
Collette Brumbaugh
Lt. Manny Cota
Tim Hardy
Rep. Pete Hershberger
Derrick Johnson
David McKell
Judge Anna Montoya-Paez
Judge Emmet Ronan
Beth Rosenberg
Leslie Schwalbe
Gilbert Veliz

MEMBERS ABSENT

Dr. Eric Benjamin
Dr. Nelba Chavez
Terry Hance
Paul Koehler
Judge Willardene Lewis
David Miller
Donna Noriega
Janna Scott
Cherie Townsend
Margaret Trujillo
Sherri Walton

STAFF

Michael Branham
Patti Cordova
Oly Cowles
Grady Daniels
Pat Erickson
Dianne Gadow
Lou Goodman
Sandra Gonzalez

GUESTS

Barry Fine
Sheila Kircher
Russ Van Vleet
Lynn Wiletsky
Nicole Yancey

I. Welcome and Review of Minutes

- Judge Emmet Ronan, Chair of the Governor's Task Force on Juvenile Corrections Reform called the meeting to order. Judge Ronan advised members that the Agreement between the State of Arizona and the U.S. Department of Justice was signed on September 15th. As part of that Agreement, consultants were identified to work with the Arizona Department of Juvenile Corrections. The biographical sketches of all four consultants were in the packet distributed to the Task Force Members.
- **Motion: to approve the minutes of the June 29, 2004 meeting. Changes were made to show Representative Pete Hershberger, David McKell, Beth Rosenberg and Sherri Walton as present at the June 29, 2004 meeting. The minutes were then seconded and approved.**

II. Juvenile Corrections Update

The Arizona Department of Juvenile Corrections (ADJC) Director Michael Branham introduced Mr. Russ Van Vleet, lead consultant for the Department of Justice (DOJ) Civil Rights of Institutionalized Persons Act Division (CRIPA).

III. Policy Sub-Committee Report-out

Leslie Schwalbe gave an overview on the Policy Sub-committee. She stated that their role was to make recommendations to the Arizona Department of Juvenile Corrections regarding their policy development and review process, as well as to comment on suicide prevention policies. The sub-committee recommends the establishment of a public review process. Ms. Schwalbe commended the staff for their assistance. The sub-committee will meet again in October and review policies relating to suicide prevention.

IV. Facility Tours Report-out

Judge Ronan, Helene Abrams and Beth Rosenberg gave an overview of their tours at the facilities. Each described complaints from the youth/staff, the overall physical appearance, and various programs at the facilities. Specifics mentioned:

- Physical structures old and in need of comprehensive renovation
- Fire sprinklers not found throughout living structures
- Swamp coolers could not be used effectively
- Lack of toilets in some rooms
- Youth at EPS did not like food
- Girls at BCS had spider bites and did not like their deodorant
- Many girls were there on their first offense
- Boys at AMS said they were not receiving bathroom breaks at night
- Not enough Special Ed teachers
- Parent involvement appeared difficult
- Inconsistency with youth transition plans
- Condition of medical facilities inadequate and “lacking”
- Nurses at AMS fearful of boys
- Very open staff
- Appreciative of “open access”
- Impressed with suicide renovations
- BCS Headstart Program very good

Alan Stephens advised that Governor Napolitano is concerned about the facilities. She recently toured Catalina Mountain School in Tucson and realized that there are long-term and short-term life-safety issues that must be addressed. Of primary importance is to remedy all items in the CRIPA report before working on anything else. Currently, the Governor is exploring to see if ADJC qualifies for the Students First monies.

Director Branham requested that whenever a task force member tours a facility, please send him an e-mail (mbranham@azdjic.gov) on any problematic issues encountered so he can address the situation immediately.

V. CRIPA Agreement

Lou Goodman, Legal Services Assistant Director, gave a review of the following highlights from the CRIPA Agreement.

- The Agreement is effective September 15, 2004 – September 14, 2007.
- It acknowledges that ADJC began to implement improvements before the DOJ report was issued.
- ***Suicide Prevention:***
 - ❖ Complete changes to eliminate physical plant hazards
 - ❖ Acknowledges new training & procedures; calls for review
 - ❖ All staff to receive an eight-hour and two annual two-hour refresher courses
 - ❖ There will be observation and assessment of new arrivals
 - ❖ Suicide precautions, assessment, and treatment to be conducted by a mental health professional
 - ❖ Protocols for communicating management needs of suicidal youth among necessary staff
 - ❖ There will be a “step-down” process for youth placed on suicide precautions
- ***Juvenile Justice:***
 - ❖ The grievance process to include youth orientation, access without staff assistance or precondition, and to be review by staff unconnected to the incident or person being grieved
 - ❖ Direct, immediate reporting of abuse allegations to the Investigations and Inspections Unit (I&I) and timely investigation
 - ❖ Identified the duties of Health Unit staff when a youth is present for treatment of injuries
 - ❖ Behavior management/crisis intervention training for all direct care staff
 - ❖ Regular evaluation of both staff training and use of force data
 - ❖ Requires sufficient number of adequately trained staff
 - ❖ Adequate coverage to enable youth to use bathroom facilities in a timely manner
 - ❖ Acknowledges creation of I & I Unit
 - ❖ Collaboration between I & I Unit and Quality Assurance (QA) Team to monitor compliance with Agreement and ADJC policies and procedures
 - ❖ Regular internal inspections, interviews of staff, youth and parents, and written reports of findings
 - ❖ Acknowledges policies and procedures to govern the use of in-room confinement and requires monitoring for compliance.

- ***Special Education:***
 - ❖ Compliance with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973
 - ❖ Collaboration with the Arizona Department of Education
 - ❖ Sufficient special education staff, including teachers, school psychologists, and necessary service providers
 - ❖ Quality assurance process for special education services
- ***Medical Care:***
 - ❖ Adequate, appropriate and timely medical, dental and nursing care, including sufficient nursing staff on all shifts
 - ❖ Continued implementation of ADJC's medical quality assurance process
 - ❖ Formal system for the ADJC pharmacist to alert physicians regarding any youth's medication issues
- ***Mental Health Care:***
 - ❖ Adequate mental health services, including treatment plans for all youth receiving them
 - ❖ Continued development of screening instruments for use upon admission
 - ❖ Appropriate treatment for youth who arrive with prescriptions for psychotropic medicine, treatment plans for all youth receiving psychotropic medicine, monitoring for adverse side effects
- ***Monitoring and Enforcement:***
 - ❖ Appoints Consultants Committee
 - ❖ Provides Committee complete access to facilities, staff, youth and records
 - ❖ Reports every six months
 - ❖ State to fund the Committee
 - ❖ DOJ access to facilities, youth, staff, records and reports issued by the I & I Unit or the QA Team
 - ❖ Mechanism for DOJ to submit written questions to ADJC, responses within 30 days, unless additional time agreed upon
- ***Implementation and Termination:***
 - ❖ ADJC to train all staff on the Agreement
 - ❖ Mechanism for notice of concern by DOJ and opportunity to cure prior to taking disputes to court
 - ❖ Copies of all existing and future policies and procedures to DOJ
 - ❖ Implementation and Termination
 - ❖ Termination of the agreement is three years from the signing
 - ❖ Early termination of portions upon substantial compliance for at least 18 months

Mr. Russ Van Vleet introduced himself. He explained that he was part of the consultant team during Johnson v. Upchurch, and is extremely impressed with current efforts within the State of Arizona. Mr. Van Vleet stated that ownership of the current CRIPA report must be accepted by all three branches of government. He felt that litigation was not an avenue to reform and it was his hope that the current situation will not become adversarial. He noted that the states of Missouri and Utah had model correctional facilities, and in contrast, the State of Hawaii was in disarray and in need of radical reform.

Mr. Van Vleet gave a brief vitae overview of Dr. Peter Leone, Dr. Louis Kraus and Mr. Lindsay Hayes. Copies of the vitae were included in the packets for the Task Force members.

Mr. Van Vleet advised that the first site visits at the facilities will be conducted on October 20, 21, and 22, 2004. Not all the consultants will be together at each site visit, but will meet quarterly as a team. All reports will be reviewed with ADJC staff and Task Force members. No reports will be written as a surprise. Every six months a formal report will be written and forwarded to the U.S. Department of Justice.

Judge Ronan inquired about the involvement and access of the Task Force members, and specifically, would they be able to join the consultants on their site visits. Mr. Van Vleet's belief was that task force participation would be okay, but only with a few members at a time.

VI. Future Meeting Agenda

It was requested that a presentation of the ADJC Inspections and Investigations Unit be given. It was also requested that Mr. Van Vleet offer a presentation covering his consulting experiences with other agencies, that the Task Force discuss the interface between ADJC and CPS and lastly to discuss whether the Casey Foundation or other entity could cover the associated costs for members to travel to states with model correctional facilities.

VII. Public Comment

Dr. Barry Fine, child psychiatrist and former employee of the Arizona Department of Juvenile Corrections mentioned the possibility of the county juvenile courts retaining supervision of youth upon their commitment to ADJC.

IX. Miscellaneous

David McKell stated that he felt there was a "breakdown" between the counties and ADJC. He would like to work on getting this problem resolved.

Judge Veliz expressed his desire for changes at ADJC to be maintained throughout future administrations.

The next meeting will be scheduled for sometime in November, 2004 when the CRIPA consultants return to Phoenix.

The meeting was then adjourned by Judge Emmet Ronan, Chair.

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